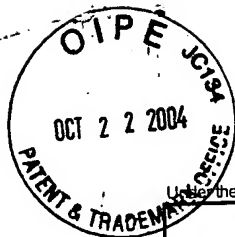


10-25-04

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PTO/SB/21 (04-04)

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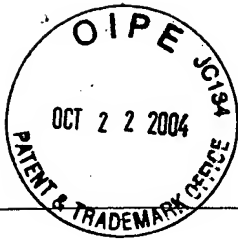
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<h1 style="text-align: center;">TRANSMITTAL FORM</h1> <p style="text-align: center;">(to be used for all correspondence after initial filing)</p>		Application Number	10/804,679
		Filing Date	March 18, 2004
		First Named Inventor	Andrew D. SUTTON
		Art Unit	1615
		Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission	22 + 3 Refs.	Attorney Docket Number	263742002802

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement (3 pages) <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Form PTO-1449 (9 pages in duplicate) References (3) Return Receipt Postcard
<div style="border: 1px solid black; padding: 5px;">Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	MORRISON & FOERSTER LLP (Customer No. 25226) Shantanu Basu - 43,318
Signature	
Date	October 22, 2004

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV335366813US, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.	
Dated: October 22, 2004	Signature: (Tia B. Zimmerman)



PATENT
Docket No.263742002802

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

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Dated: October 22, 2004

Signature: *Tia B. Zimmerman* (Tia B. Zimmerman)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Andrew D. SUTTON et al.

Serial No.: 10/804,679

Filing Date: March 18, 2004

For: SPRAY-DRIED MICROPARTICLES
AND THEIR USE AS THERAPEUTIC
VEHICLES

Examiner: Not Yet Assigned

Group Art Unit: 1615

**INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Pursuant to the USPTO notice dated July 11, 2003, waiving the requirement under 37 C.F.R. § 1.98 (a)(2)(i) to provide copies of U.S. Patents and U.S. Published Applications, copies of those references numbered 3 and 52 are not submitted. Copies of the documents numbered 75, 104 and 136 are submitted herewith. However, copies of the remaining documents cited in the attached Form PTO-1449 were previously submitted in an Information Disclosure Statement and/or Office Action, directed to the related application Serial Number 09/382,561, filed August 25, 1999, (now U.S. Patent Number 6,709,650) and, accordingly, copies are not included herewith. This

protocol conforms with 37 C.F.R. § 1.98(d) and M.P.E.P. 609(A)(2). The Examiner is requested to make these documents of record in the application.

This Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114. However, if applicable, a certification under 37 C.F.R. § 1.97(e)(1) has been provided.
- ☒ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required. However, if applicable, a certification under 37 C.F.R. § 1.97(e)(1) has been provided.
- ☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
 - ☐ A fee is required. A check in the amount of ___ is enclosed.
 - ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above; accordingly; no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
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Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.


The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does

not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. §1.17(p)) is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing 263742002802. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: October 22, 2004

Respectfully submitted,

By: 
Shantanu Basu
Registration No. 43,318

Morrison & Foerster LLP
755 Page Mill Road
Palo Alto, California 94304-1018
Telephone: (650) 813-5995
Facsimile: (650) 494-0792



PATENT
Docket No. 263742002802

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Serial No.: 10/804,679

Filing Date: March 18, 2004

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Examiner: Not Yet Assigned

Group Art Unit: 1615

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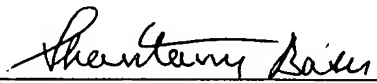
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Form PTO-1449

Docket Number 263742002802

Application Number 10/804,679

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(Use several sheets if necessary)

Applicant

Andrew D. SUTTON et al.

Filing Date March 18, 2004

Group Art Unit 1615

Mailing Date October 22, 2004



U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
	1.	03/1956	2,739,167	Conn			
	2.	06/25/1957	2,797,201	Veatch et al.			
	3.	05/20/1958	2,835,586	Peebles			
	4.	03/17/1970	3,501,419	Bridgeford et al.			
	5.	05/23/1972	3,664,963	Pasin			
	6.	05/07/1974	3,809,294	Torgeson			
	7.	02/10/1976	3,937,668	Zolle			
	8.	05/16/1978	4,089,800	Temple			
	9.	06/06/1978	4,093,709	Choi et al.			
	10.	08/15/1978	4,107,288	Oppenheim et al.			
	11.	11/28/1978	4,127,622	Watanabe et al.			
	12.	12/26/1978	4,131,648	Choi et al.			
	13.	02/06/1979	4,138,344	Choi et al.			
	14.	04/03/1979	4,147,767	Yapel Jr.			
	15.	12/25/1979	4,180,646	Choi et al.			
	16.	01/27/1981	4,247,406	Widder et al.			
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	18.	02/23/1982	4,316,341	Landry			
	19.	09/14/1982	4,349,530	Royer			
	20.	11/02/1982	4,357,259	Senyei et al.			
	21.	12/13/1983	4,420,442	Sands			
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	23.	08/21/1984	4,466,442	Hilman et al.			
	24.	02/25/1986	4,572,203	Feinstein			
	25.	03/17/1987	4,649,911	Knight et al.			
	26.	06/09/1987	4,671,954	Goldberg et al.			

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		06/23/1987	4,675,381	Bichon			
	28.	10/04/1988	4,774,958	Feinstein			
	29.	02/28/1989	4,808,408	Baker et al.			
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	34.	02/13/1990	4,900,540	Ryan et al.			
	35.	09/18/1990	4,957,656	Cerny et al.			
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	37.	11/06/1990	4,968,562	Delgado			
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	39.	02/18/1992	5,089,181	Hauser			
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	41.	03/02/1993	5,190,982	Erbel et al.			
	42.	03/23/1993	5,196,183	Yudelso et al.			
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	44.	01/10/1995	5,380,519	Schneider et al.			
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	46.	03/26/1996	5,501,863	Rössling et al.			
	47.	05/21/1996	5,518,709	Sutton et al.			
	48.	11/30/1999	5,993,805	Sutton et al.			
	49.	02/08/2000	6,022,525	Sutton et al.			
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	51.	01/21/2003	6,509,006	Platz et al.			
	52.	03/23/2004	6,709,650	Sutton et al.			

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PTO/SB/ 08 (2-92)

Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Form PTO-1449

Docket Number 263742002802

Application Number 10/804,679

INFORMATION DISCLOSURE CITATION
IN AN APPLICATION

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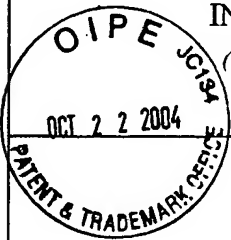
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FOREIGN PATENT DOCUMENTS

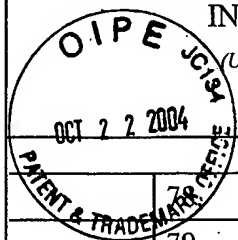
Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO	
	53.	01/16/1992	AU A-80297/91	Australia				
	54.	08/10/1991	CA 2 036 107	Canada				
	55.	05/26/1982	EP 0 052 575	Europe				
	56.	10/19/1983	EP 0 091 555	Europe				
	57.	01/09/1985	EP 0 130 935	Europe				
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	59.	11/12/1986	EP 0 201 239	Europe				
	60.	11/20/1986	EP 0 202 017	Europe				
	61.	10/06/1987	EP 0 224 934	Europe				
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	64.	06/28/1989	EP 0 322 094	Europe				
	65.	07/26/1989	EP 0 324 938	Europe				
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	68.	04/25/1991	EP 0 458 079	Europe				
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	70.	04/01/1992	EP 0 494 615	Europe	Abstract			
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	72.	08/04/1993	EP 0 554 213	Europe				
	73.	07/20/1994	EP 0 606 486	Europe				
	74.	08/24/1994	EP 0 611 567	Europe				
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	76.	09/13/1972	GB 1 288 583	Great Britain				
	77.	10/08/1981	JP 56-129035	Japan	Abstract			

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Form PTO-1449 INFORMATION DISCLOSURE CITATION IN AN APPLICATION <i>(Use several sheets if necessary)</i>	Docket Number 263742002802	Application Number 10/804,679
Applicant Andrew D. SUTTON et al.		
Filing Date March 18, 2004		Group Art Unit 1615
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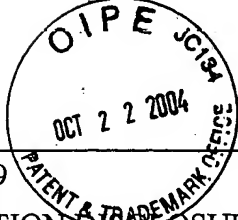


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	02/07/1989	NZ 227869	New Zealand				
80.	02/03/1989	890873	South Africa				
81.	08/02/1984	WO 84/02838	WIPO				
82.	07/02/1987	WO 87/03891	WIPO				
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84.	02/21/1991	WO 91/01706	WIPO				
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86.	07/11/1991	WO 91/09629	WIPO				
87.	09/05/1991	WO 91/12823	WIPO				
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	99.	Allcock (1976). "Polyphosphazenes: New Polymers with Inorganic Backbone Atoms," <i>Science</i> 193:1214-1219.

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|------|---|
| 100. | Anceschi et al. (1990). "Immunochemical and Immunohistochemical Evaluation of Lung Permeability in Ventilated Newborn Rabbits," <i>Experimental Lung Research</i> 16:593-605. |
| 101. | Angeloni et al. (1982). "The Mannich Bases in Polymer Synthesis: 3. Reduction of Poly(β -Aminoketones)s to Poly(γ -Aminoalcohol)s and Their <i>N</i> -Alkylation to Poly(γ -Hydroxyquaternary Ammonium Salt)s" <i>Polymer</i> 23:1693-1697. |
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| 111. | Conte et al. (August 1994). "Spray Dried Albumin Microspheres Containing Nicardipine," <i>European J. Pharmaceutics and Biopharmaceutics</i> 40(4):203-208. |
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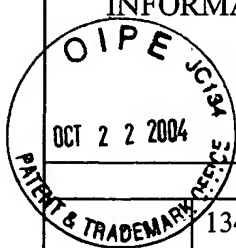
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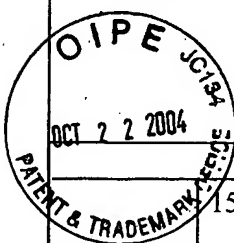
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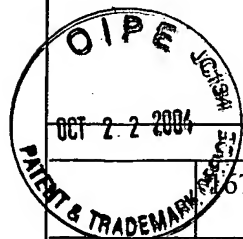
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